1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mirebalais

584 836 truth, but the matter is recognized as one which concerns only her husband and herself, and if he is willing to keep her, it is his own affair. Consensus of opinion in Mirebalais is that the percentage of girls who do not have pre-marital sexual relations is relatively small, but the belief is expressed that chastity is more prevalent among country women than among those of the town, where, in turn, it is more frequent than in larger centers such as Port-au-Prince. Even though pre-marital relations are commonplace, however, the pregnancy of an unmarried girl is regarded as both reprehensible and unfortunate, and she is severely beaten for it by her family. In such cases, if the father of the unborn child will take the girl, his parents are sent to bring her, but where the parents of the man refuse to ask for the girl because they do not approve of her, then, if he still desires her, he must himself face the anger of her parents. Should he not wish to come for her, she may either remain with her family or seek work in another community. In any event, her child will be well cared for by her family, and no reproach will attach to it because of the circumstances of its birth.

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585 782 796 Before a mating of any type is consummated, the familial spirits must be notified of the approaching event so that they may be well disposed toward it, for no union where this is neglected can enjoy happiness or peace. One Mirebalais woman was pointed out as an object lesson of the necessity of doing this. Though a devotee of several gods, neither she nor her husband was willing to perform the necessary rites for her gods before their marriage. She was suffering from an acute case of melancholia after the birth of her first child, and the prevailing opinion was that she was going mad because of the neglect of her duty toward her deities. Shortly before a woman goes to her husband, therefore, a *couvert sec* for the Rada deities is given both by herself and by her betrothed. If the family of either the young man or the woman possess deities of the powerful Pétro group, more inclusive offerings

[753] [828]

1: Herskovits E-4, 8 (1934) 1937 SV3 Haiti SV3
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595 533 market place, quarreling is invariably heard; or if one of them sings *point* — derisive songs — against the other and goes so far as to name the object of derision, fighting and court action follow.

58 595 684 Though many cases of *plaçage* are the result of affairs between young people which result in conception, it is essential in any event that the consent of the families of the man and the woman concerned be obtained to give the mating social validity. When the union is once entered upon, divorce occurs only with the abandonment or mistreatment of the woman, or her infidelity, for in these *plaçage* matches, the moral support of her family makes a man reluctant to send his wife away without ample justification. When a man does divorce a *placée* wife for reasons of infidelity, she may either go to another man or return to the home of her parents, where she supports herself. If after a period of years she has not established a household with another man, it often happens that her husband takes her back. Most frequently, however, where children have been born to a mating, a woman's infidelity is punished merely by beating; and proof that a wife is a wife whether or not she is legally "married" is offered by the Haitian man in this fact that a *placée* is beaten for this and less serious reasons as readily as a legal wife. Prompt [754] action is taken against the adulterer, which, though it may on occasion be as drastic as murder, generally takes the form of [848] recourse to magic charms. Women who carry on illicit relationships take all care, therefore, to guard unceasingly against the birth of offspring.

595 593 Many men, at least, hold that a man is often much closer to a *placée* than to a legal wife, for the former is more attentive and less demanding than the wife with her legally assured status and permanence of tenure. Thus it comes about that [454] *placée* spouses are frequently given generous money gifts, to be saved for the future of their children, while as a man grows older he may take up his residence with a *placée* wife, where

1: Herskovits E-4, 8 (1934) 1937 SV3 Haiti SV3
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595 The fact that Haitian law recognizes only monogamy in-
593 troduces numerous overtones into the daily life of the people.
671 If a church-wed wife discovers that her husband makes peri-
odic visits to another woman, whether *placée* or not, serious
quarreling between the legal wife and her husband follows.
The "wife" may refuse to give food to her husband or to
speak to him, and will upbraid him before their children,
calling him *vagabond* — a strong word of opprobrium to the
Haitian — and other terms which her facile tongue readily
finds at hand. The status of the children under this dual family
system is another reflection of the values it engenders. And
though the account of this given in Mirebalais represents a
folk-reaction rather than official procedure — for according
to officials in the capital it does not exist in Haitian law —
its value as a living belief which gives insight into the relevant
attitudes outweighs its possible lack of validity in a legal sense.

958 In Mirebalais it is held that there are what may be spoken
of as three classes of offspring. The first, which may be termed
"natural" children, are those born to a man by his *placée*
wife or wives before his Church marriage, or to a *placée*
woman whose mating with him was later legalized by the
rites of Church and State. The second class, the "legitimate"
children, comprises those born to couples married in the
strict legal sense of the word. Finally, a third category consists
● [848] 848 of those who may be called "illegitimate" children, and in-
cludes all the offspring of any *placée* spouse of a man taken
by him after his Church marriage, or children of any of his
earlier *placée* wives born subsequent to this marriage. None
of these classes of children are at any special social disadvan-
tage, and all not only inherit the African deities of their
father, but must also fulfill their spiritual obligations toward
him after his death by wearing mourning and performing all
other required rituals.

582 Legally, however, the matter is different, for only the chil-
621 dren born to a marriage recorded by the justice of the peace
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1; Herskovits E-4, 6 (1934) 1937 SV3 Haiti SV3
Mirebalais

belong to the father, who, in turn, is the legally recognized father of all the offspring of his wife unless he divorces her — something which, because of Church regulations, occurs but rarely. Children born outside legal marriage have no right to the name of their father. Such a one is entered under his mother's name in the record of births, though he may and often does take his father's name in school or later in life, this ultimately becoming the name by which he is known and which he hands on to his children. It is in the inheritance of the father's property that children born of the various types of matings are said to be most strongly differentiated, though it was particularly with this method of distributing heritable goods reported in Mirebalais that officials in the capital disagreed. The assertion is made that while the children of a "legal" wife inherit three quarters of the estate, and the other "natural" children receive one fourth, the "illegitimate" offspring have no legal right to any of the dead man's property. They must either be provided for by their father before his death or be aided on occasion by a natural brother who has inherited from their common father and feels a moral obligation toward these children of their father. Children of plural wives call each other by the terms "brother" and "sister," and in some instances they get on fairly well together. More generally, however, their attitudes toward one another are colored by those of their mothers, so that verbal if not physical encounters may take place when they meet.

Where, as perhaps in the majority of cases, there is a monogamous union, "legal" or "*placée*," cemented by mutual affection and mutual interest in the future of the children, life goes on calmly. Each spouse performs the tasks allotted by custom, and the children are reared in an atmosphere which varies with the fortunes and temperaments of those who make up the household. Fathers are said to prefer their daughters, and mothers their sons, among their children, but for this the Haitian has no explanation other than the phrase: "This is natural."

2: Courlander B-5 (1937-1955) 1960 SV3 Haiti SV3

handle it; lighter work first, heavier work later. Small boys tend cattle and help the men in the fields.

The Haitian *habitant* (the peasant) is poorer and hungrier today than he was fifty years ago, or even twenty years ago. In 1955 I visited a number of peasant families I had known since 1932, and with hardly an exception I found them worse off than they had been before. Their tiny landholdings had shrunk. Some land that had been lush had dried up and eroded. Little groves of trees had disappeared. Clothes had become shabby, and many of the men could no longer afford to wear the inexpensive traditional blue denim costume that was once so common. In the cities there is evidence that some of the elite have improved their life. But in a large part of the countryside the peasants are finding that the old system that served them for a hundred and fifty years can no longer feed them adequately.

One of the adverse forces is the shrinking of landholdings. Once a peasant family may have owned and worked fifty or seventy acres of ground. But it is traditional that on a man's death his land is divided among the heirs. If a man with fifty acres of land has two sons, each son inherits approximately twenty-five acres. On their deaths, the land is again subdivided. But even this is not the whole story. A UNESCO survey of the Marbial Valley region in south Haiti in 19[illegible]-1949 reported:

> At the turn of the century there were numerous peasant families who lived in relatively easy circumstances, and who possessed as much as thirty to forty *carreaux* * of land planted with coffee and subsistence crops. The heirs of these lands, when they found themselves in straitened circumstances, would sell some parcels of it in the hope of being able to increase their holdings again later on. In the worst cases they became the tenants of absentee landlords who lived in the cities. Nowadays, not only is the size of holdings very small, sometimes only one-eighth of a *carreau*, but they are also scattered, and most peasants are obliged to go from one place to another to cultivate their various owned, rented, or share-cropped fields.[A]

Haitian law—the civil code—does not recognize the rights of illegitimate children born after a legal marriage. But Haitian custom does. As a result, a Haitian who has a *placée* wife in addition to his "legal" wife may circumvent the law by deeding to her a portion of his gardens during his lifetime, thereby diminishing his holdings.

Furthermore, many landholdings are not clearly defined. There are few accurate surveys, and often the boundaries are vague. Titles to many of the holdings cannot be clearly established, and as a result there are constant lawsuits. To pay the expenses of defending his interests in court, a Haitian may have to sell a strip of his land.

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* A carreau is about three and a third acres.

[A] [UNESCO, The Haiti Pilot Project, p. 18. Cf p352, category 116. -- Analyst]

3: Leyburn Z-4, 5 (no date) 1966
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to appoint, curés to the vacant parishes. His independence of action could not fail to give offense to Church authorities. One of his first appointees was a black ex-slave, Félix, who had been a drum major in the native army. Félix was made curé in the important town of Saint-Marc.

The constitution of his empire (May, 1805) indicates that Dessalines did not intend to make himself head of the Church, but rather planned a complete separation of Church and State. Article 50 reads: "The law admits no dominant religion"; while the next article grants freedom to all cults and refuses state support to any denomination or minister. No attack was made, therefore, upon Catholicism, yet the disestablishment of that Church was a serious blow to its prestige. Not in the specific provisions regarding religion was the Church most weakened, but rather in the "liberality" of articles dealing with actions upon which the Church had taken a firm moral stand. Thus Article 14 declared that "marriage is an act purely civil and authorized by the government," while Article 15 permits divorce by the state. Early laws of the empire still further undermined the position of Church doctrine. Illegitimate children were granted the same legal rights as legitimate ones—a generous provision which removed one of the strong reasons for marriage; separation of husband and wife except by divorce was forbidden, and this prohibition practically encouraged the divorce disapproved by the Church; finally, the grounds upon which divorce might be allowed were broader than those existing anywhere else in the Western World at the time: mutual consent, application from one party to the marriage, or simple allegation of incompatibility of temperament or character.

From the promulgation of this constitution in 1805 and for the next fifty-five years, Haiti was in open schism from the Roman Catholic Church. The Holy See refused to recognize either the Haitian state or the provisions of its constitution, and it declined to allow priests to enter the country. Certain Haitian presidents were friendly enough to Catholicism, and others were openly desirous of reëstablishing a state religion, but the breach once made was not healed by mere good wishes. The longer the schism endured, the farther the people grew away from the doctrines and practices of a religion in which they had never been firmly grounded. At the moment of independence, when all minds were more open to new

3: .Leyburn Z-4, 5 (no date) 1966
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ideas than in later years, the habits of regular attention to religious duties might have been fixed; by 1860 it was too late. Religion existed during those years, but it was a strange gallimaufry of Catholicism and folk belief.

On the whole, the rulers of young Haiti were tolerant of the Catholic Church even to the point of advancing its interests, in so far as these might benefit the state. Their pronouncements and actions, nevertheless, were not those of ardent personal believers. Pétion's constitution of the republic in 1806 once more established Catholicism as the official Church. What it gave with one hand, however, it took away with the other. Thus:

Art. 35. The Catholic, apostolic, and Roman religion being that of all Haitians, is the religion of the state. It and its ministers will be protected.

Art. 36. The law assigns to each minister of that religion the extent of his spiritual administration. These ministers may not, under any pretext, form a body within the state.

Art. 37. If in the course of time other religions are introduced, no person shall be hindered, so long as he conforms to the laws, in following the cult he has chosen.

The Catholic, then, is the state religion, but only because the Haitians have heretofore been nominal Catholics. It occupies a position of practical fact which it would lose if by the introduction of other cults Haitians should be drawn away from it. Its ministers will be carefully watched to see that they do not, as a group, try to exert political pressure. And what freedom of action is possible to a church whose ecclesiastical parishes can be limited or extended in size by the civil legislature?

Pétion no more fought religion than he fought any other conventional institution approved by civilized people; but he did little to foster it. He received certain Wesleyan missionaries with considerable hospitality, remarking that "education increases the dignity of mankind." He appeased the good Catholics by repealing the law concerning the rights of illegitimate children, substituting for it a more moderate French rule.[4] Likewise, he invited the Catholic Church to participate in the education of Haitian youth.

4. The French practice allowed an illegitimate child recognized before a wedding equal rights of inheritance with legitimate offspring, while giving only quarter rights to a child recognized after marriage.

3: Leyburn Z-4, 5 (no date) 1966
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Christophe had a great deal more to say about religion than any of the other early Haitian rulers. In a speech following the promulgation of his constitution, after severe censure of the government of Dessalines, he said:

> It is necessary to raise again the dignity of religion, for weakened morals leave young people open to the licenses of their age. Liberty has been assailed by traitors, enemies of their fellow citizens, and sold to our cruelest enemies. It is assured to you now, have no doubt! Shortly you will see these vicious men and their criminal efforts vanish like clouds.
>
> Public education, after religion and liberty the most precious benefit mankind enjoys, will be reanimated and sustained by morality; it will again be held in honor and reverence amongst us. Divorce, that traitor among customs, is rigorously prohibited and proscribed forever.[5]

Like Pétion, Christophe made the Catholic Church official, but he indicated the dictatorial path he intended to follow by adding that no ecclesiastical decree or law might become effective without the consent of the President.[6] He completely overturned the law of Dessalines concerning illegitimate children; his decree deprived such offspring of any claims of inheritance whatever.[7] In a country where practically no one had been legally married such a ruling was severe, but Christophe hoped that his severity would force his subjects into wedlock, and this the Catholic Church was bound to approve.

Making the Church official did not strengthen its hold upon the people. In 1814 (seven years after he had promised "to raise again the dignity of religion") the kingdom was served by only three priests, one of whom Christophe had named archbishop. The King was preoccupied with form, and having created a nobility he needed a church to lend dignity to his realm. Consequently in 1811 he reorganized the clergy in his kingdom, establishing an archiepiscopal see and three bishoprics. The reorganization, except for the archbishop, remained a paper plan because the Pope refused to coöperate by giving the schismatic church his approval.

All the early rulers seem to have been rather innocent in their dealings with Rome. They felt, apparently, that as heads of state they had but to express a desire in order to have His Holiness ap-

5. This speech, made on February 18, 1807, is cited in Thomas Madiou, *Histoire d'Haïti* (Port-au-Prince, 1848), II, 354–355.
6. See the law of March 18, 1807.
7. Law of March 25, 1807.

3: Leyburn Z-4, 5 (no date) 1966
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erosity and equity now gave way to malevolence and personal license:

> Putting no restraint upon his passions, he travelled about, followed by actors, dancers, musicians, and courtesans. An indefatigable dancer, as soon as he arrived in a place he gave a ball. Under Toussaint Louverture, in order to please the Governor-General everyone approached the holy altar; under Dessalines one gained glory by dancing well. The Emperor, giving himself up to scandalous pleasures, forgot that he was head of the state. The greatest immorality reigned about him. With a gaiety sometimes grotesque, he told the ladies who frequented his court how much he admired their beauty, no matter how ugly they actually were. Following his example, his major officers of state kept concubines in every town in the empire. . . . When the emperor entered a town, the honest women were gravely disturbed, for their virtue was menaced not only by him but also by his officers of state. Many mothers kept their daughters shut up to keep them from the notice of those who were powerful enough to take them, with impunity, by violence.[3]

Marriage, then, looked at from the standards of any white Western country, was in a sorry state in Haiti. Continued warfare had broken up many even of the families which, though unrecognized by the white planters, had nevertheless been formed during slavery; and the camp life of soldiers roaming the countryside confirmed the casual attitude of the people toward sex. Every ex-slave was a hero, and liberty was sweet. Under Dessalines it was scarcely wise for a prominent man to marry an attractive wife, the Emperor might so soon set himself to seduce her. Above all, there was no tradition of formal marriage. This was the chief factor to bear upon future marriage and sexual customs of the Haitians; and in appraising them is the paramount fact to keep in mind.

Meanwhile, children were being born. Their mothers were known, but often the fathers were not, for the vast majority of infants were born out of wedlock. Dessalines, a realist except in matters which touched his vanity, saw the necessity of establishing a status for these children, not on grounds of morality but for economic expediency, to avoid future disputes over inheritance. French precedent did not serve his need, for according to French law an illegitimate child may not inherit: a parent in France is not free to leave his property as he will, but must pass it on to his legitimate heirs.

3. Thomas Madiou, *Histoire d'Haïti*, III, 239.

3: Leyburn Z-4, 5 (no date) 1966
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While the broad problems of marriage, inheritance, and legitimacy were not to be solved by the official act of any ruler, the efforts made, particularly those by Dessalines and Christophe, had their effect upon the development of the marital institution in Haiti.

"Whereas," begins the preamble of Dessalines' law of May 28, 1805, "it is necessary to fix in immutable order the status and rights of children born out of wedlock, and whereas it is important to reconcile what nature and society owe them with the political interests of the state," therefore it behooves the government to lay down the specific rules which follow. Nothing in the law pushes the people toward marriage, but every provision strengthens the family, which they had known both in Africa and in the slave régime of the colony.

Henceforth no stigma is to attach to the fact of illegitimacy, nor is there to be discrimination in favor of children born in wedlock. The status of a child will depend upon recognition by its parents. If a child's maternal connection is established, he has rights in her property; if the father likewise recognize his offspring, the child has rights in the paternal property; even if the recognition of a child is so long delayed that the parents die, that child who can prove his descent is to receive the name and his own share of property from the deceased. There is but one single provision in which an illegitimate child has an inferior status: should a couple decide to be legally married, they must recognize the natural offspring of either party before or during the wedding ceremony, if such children are to have full claims of inheritance; delay until after the ceremony cuts their claim to only one fourth that of children born legitimately; refusal to recognize the natural child disinherits him, unless he can prove his descent.

Since the Emperor was already engaged upon his campaign to acquire lands for the state, the property rights guaranteed would refer chiefly to personal property, and only secondarily to land still owned by individuals. Both men and women owned personal property, however, and must therefore pass on this property, a definite percentage going to each son and daughter.

The law is weak in some of its details. It does not specify, for example, how an unmarried father shall leave his property—whether by name to each child he has recognized as his own, or by name to the mothers of his children. It is strong in that it is simple: property

3: Leyburn Z-4, 5 (no date) 1966
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must pass to an illegitimate child if recognition is accorded. It is likewise strong in its harmony with actual conditions: in the absence of legal marriage among the people, it would have been manifestly unfair to favor a few fortunate children. Dessalines argued that the revolution had legitimized all Haitians; that it was unjust to prevent a child's inheriting from the person who had given him life; and that since all Haitians had come out of slavery and degradation into freedom, no new inequalities should be instituted.[4]

If this law encouraged family life, it weakened marriage both of the civil and religious kind: where was the sense in the expensive luxury of a wedding when children were just as legitimate without it? By conforming to folk practice the Emperor confirmed it. Only the aristocrats disliked his law, for it seemed to make light of one of the distinctions they cherished—the formal wedding. It irked them to have the State place a casual child upon an equal plane with one born after proper marriage.

At still another point the law accorded with living conditions at the time. During the years of fighting many men had been killed, and always the large standing army kept thousands of others away from settled farm life. Home, then, was for a child the abode of his mother—a fact recognized by the law's insistence upon maternal relationship rather than paternity. Such a word as "matriarchate" has no place here; but from the days of Dessalines to modern times, the lowly Haitian thinks of his home primarily as where his mother lives.

As if the advantages of formal wedding were not already sufficiently weakened by this law, other enactments of the empire struck at other phases of marriage. Divorce was permitted for adultery, for incompatibility of temperament or character, and by mutual consent. Such provisions not only broke away completely from Catholic practice, but made getting out of wedlock a casual matter of taking an oath. The complaint of incompatibility need be made by only one spouse; "mutual consent" as a ground for divorce was probably not allowed in 1805 in any other country of the Western World.

Dessalines did not appear to care one whit for the good opinion of white foreigners. It sufficed for him if Haiti endured, whatever Europeans thought of her. Christophe, on the other hand, was extremely sensitive to foreign disapproval. Many of his official acts can

4. According to the testimony of Madiou, *op. cit.*, III, 216.

3: Leyburn Z-4, 5 (no date) 1966
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be explained only as efforts to win outside respect for his kingdom of blacks. He was aware of the scorn in which white people held the apparent absence of all sexual morality in Haiti, and so set about introducing reforms. Even as a general he had opposed the dissoluteness of Dessalines.

175 643 582 671 581 [595]

In an early pronouncement Christophe proscribes concubinage (by which he meant the unmarried unions of the people), libertinage, and "all those disorders which weaken the family." To proscribe an evil is not necessarily to put an end to it, however, and so he tried also to persuade and educate his people to the habit of full legal marriage. His steps at persuasion were various. In speeches he urged weddings upon his subjects; yet a man could see little reason for tying himself to one woman for life, assuming *legal* responsibilities at an expense, when already from experience he knew that he could have a woman's loyalty without the ceremony. Although weddings somewhat increased after 1806, Christophe's verbal campaign was a failure. He next tried force. In one town he made all the females assemble in the public square; then, separating the married from the unmarried, commanded his royal guards to advance, each to select an unmarried woman who should become his wife. At other times he selected young men and women by lot and had them married "by their King's authority." No nobleman in the kingdom could long remain unwed: indeed, Queen Victoria might have approved Christophe's solicitude for the moral uprightness of the Haitian court.

175 671 848 428

Another means by which Christophe forced his people into formal marriage was the indirect one of attacking property rights. Realizing that Dessalines' law by guaranteeing inheritance to natural children encouraged people to remain unmarried, he rescinded it by one of the first acts of his rule.[5] This act reëstablished French practice, making it all but impossible for illegitimate children to inherit anything. Most persons of property found this law persuasive where words had left them cold. Madiou thought the law "excessively severe in a country where nine hundred and ninety-nine out of every thousand of the population were born out of wedlock,"[6] and he spoke of its disharmony with general practice at the time. Actually,

5. Law of March 25, 1807.
6. Madiou, *op. cit.*, III, 411.

it seems not radically to have affected the masses but only the fairly well-to-do.

3: Leyburn Z-4, 5 (no date) 1966
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another observation must be set

588 alongside this professional testimony: many men, both aristocrats 162 and common folk, have more than one placée, yet there seem to be enough women for Haitian men.

595 Although peasants in Haiti are rarely married by formal ceremony, 565 the family is a dominant characteristic of peasant life. This sums up the domestic situation among the masses.

When it is recalled that the Negro, from the time he was taken from Africa on slave ships, had almost no experience of the European tradition of conventional marriage, one has a partial explanation of the absence of peasant weddings. For the rest the people are realists, arguing that a man should have as many women as he needs to carry on the economy of his land holdings; the law forbids polygamy, but exerts no control over plural unions which are entered without formal ceremony. It has therefore come to be regularly accepted in the mores that practical need should determine the number of women to one man. If a peasant increases his land holdings, if he buys or inherits a second farm on the other side of the mountain, it is only common sense for him to take a second woman, raise a family by her, and thus have an overseer and a labor supply resident on each of his properties. Everyone in the community knows what women belong to what man, and custom strongly taboos any tampering with another man's spouses.

162 Only the Catholic Church has statistics to reveal the infrequency 581 of marriages among the masses. The story was the same a century ago as now. In the important parish of Gonaïves in 1825 the propor- 163 tion of marriages to births was as 1 to 62; in 1826 they were as 1 to 54.[3] Both figures include marriages and births among the élite, and Gonaïves is a town: in the countryside the proportion of marriages would be much lower. The parish priest of Carrefours, which numbers about a thousand households, stated that in 1936 there had been only ten marriages among his six or eight thousand parishioners. [848] Another parish priest estimated that only one half of one per cent of the baptisms performed were of children born to parents legally married. Even in the parish of Pétionville, home of many élite, a priest estimates that less than one child in five is born to married 595 parents. A century ago a commandant at Léogane, speaking of a high army officer, said, "He is my brother-in-law: I live with his sister." Near Port-au-Prince lived a rural police captain with six plaçage

3. Mackenzie, *op. cit.*, II, 119–120.

spouses.